

# STATE OF COLORADO



## Colorado State Employee Assistance Program

### \*\*\*PRIVACY NOTICE\*\*\*

Effective April 14, 2004

**This notice describes how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully.**

#### **Why have you been sent this Notice?**

The Department of Personnel & Administration (the Department) is required under the Medical Privacy Rules of the Health Insurance Portability and Accountability Act, 42 U.S.C. § 1320d – 1320d-8, and its implementing regulations, 45 C.F.R. Parts 160 and 164, (HIPAA) to provide all state employees eligible to participate in certain health plans with this privacy notice. This notice concerns the personal, protected health information you may have provided to the State of Colorado's Employee Assistance Plan (C-SEAP). The Department and C-SEAP take your privacy seriously. Your information will not be used or disclosed without your written authorization, except as described in this notice or as otherwise permitted by Federal and State law.

C-SEAP has established appropriate physical, administrative, and technological safeguards to prevent protected information from intentionally or unintentionally being used or disclosed in violation of HIPAA requirements. Physical safeguards include the storing of all records in secure rooms within file cabinets that are locked at the conclusion of every day. Access to filing cabinets is strictly limited to C-SEAP staff only. Technological safeguards include limiting access to case information stored in C-SEAP's computer database.

#### **How do we use your information?**

Your disclosures to C-SEAP mental health counselors are confidential under Colorado law and generally, may not be disclosed without your consent. Colorado law permits disclosure of confidential communications between yourself and C-SEAP mental health counselors without your consent in the following narrow circumstances:

- If you, your heirs, executors or administrators file a lawsuit or complaint against a C-SEAP mental health counselor related to your care or treatment, or
- The services of the C-SEAP mental health counselor are being reviewed by a licensing board or professional review committee; however, in this case, your identity and any identifying information will be deleted and kept confidential.

**Information you disclose to C-SEAP and C-SEAP counselors is not a public record under Colorado law and not subject to public record disclosures.**

Access to your personal information is restricted to C-SEAP counselors and those C-SEAP employees who need to know the information in order to provide services to you. C-SEAP maintains physical, electronic and procedural safeguards that comply with HIPAA regulations to protect the security of your personal information. State law generally prohibits C-SEAP counselors from using or disclosing your protected health information without your authorization for purposes of treatment, payment, or health care operations, except for the State law disclosure rules noted above.

#### **With whom do we share your information?**

C-SEAP may share summary enrollment and utilization data with the Department for purposes of monitoring workload, resource allocation and budgeting. All summary information disclosed to the Department is deidentified and does not disclose the name or treatment information of any patient.

**When do we share your information?**

There are limited circumstances when the Department is permitted or required to disclose health information without your signed permission. These situations include:

- when otherwise required by law,
- when required by a duty to protect against imminent threat to the health and safety of the public or a person,
- when required by law to report suspected child abuse or injury resulting from a criminal act,
- other uses and disclosures will be made only with your written authorization and you may revoke an authorization as permitted under the HIPAA privacy rule.
- C-SEAP may disclose your confidential information to medical personnel to the extent necessary to meet a bona fide medical emergency.

**What are our duties?**

C-SEAP is required by law to:

- maintain the privacy and security of your health information,
- provide this notice of our duties and privacy and security procedures,
- follow the procedures described in this notice,
- C-SEAP reserves the right to change privacy and security procedures and make the new procedures effective for all information that the Department maintains. Revised notices will be made available to you.

**What are your rights?**

You have the right to:

- request that C-SEAP restricts how it uses or discloses your health information, C-SEAP will consider your request but is not legally required to agree to it,
- request that C-SEAP communicate with you about health matters in a confidential manner,
- inspect and copy your protected health information (fees may apply), however you may not have access to private notes taken by a mental health provider,
- request additions or corrections to your protected health information, C-SEAP will consider your request but is not legally required to agree to it,
- receive an account of how C-SEAP has disclosed your information for reasons other than disclosures requested by you,
- obtain a paper copy of this notice upon request.

**To contact us:**

If you would like to exercise your rights, or if you feel that your privacy rights have been violated or if you need more information, you may write to the Privacy Officer at the following address:

Colorado Department of Personnel & Administration  
Colorado State Employee Assistance Program  
Attention: Privacy Officer  
633 17<sup>th</sup> St. Suite 1120  
Denver, CO 80202

All complaints will be investigated and you will not suffer retaliation for filing a complaint. If you believe that your rights have been violated, you may also file a complaint with the Secretary of Health and Human Services in Washington D.C.